



27 May 2024

David Gillespie



Dear David Gillespie

**Request for Information – Local Government Official Information and Meetings Act (the Act) 1987**

We refer to your request of 21 May 2024 for Information regarding the decision to demolish buildings. We will respond to each of your questions in turn.

1. What was the rationale for no formal consultation with the impacted clubs using both buildings prior to the council making a decision in August of 2023 and why did it take 7 months for the council to communicate that decision to the impacted clubs.

The decision to demolish this building relates to the agreement signed by the Taita Cricket Club on 19 April 2013 to transfer their assets and surrender their existing lease as part of the Fraser Park Sportsville Project. The Asset was officially transferred in 2019. Two of the buildings in the work programme have already been demolished. In August 2023 Council was advised that this work programme would be completed in 2024/25. The tenants of the buildings were contacted in April 2024 to give them notice of this work.

2. What is rough cost for seismic and asbestos testing for clubroom facilities?

We do not hold this information. We have not received any quotes for this work.

3. Will the council require all clubs with facilities on the parks and reserve land to undertake the seismic and asbestos testing and assume if they don't that their building has asbestos and is lower than 35% earthquake



proof. And will council be writing to all these clubs asking for them to carry out this work?

Council currently requires seismic testing of all buildings it owns. Council is in the process of setting up an asbestos register to ensure this information is also held on all buildings Council owns.

**Seismic Testing** – Yes, because the work is required by legislation. The Building (Earthquake-prone Buildings) Amendment Act 2016, amends the Building Act 2004 and requires owners of buildings to assess them to determine if they are earthquake prone. The Amendment Act applies to all buildings whether privately or publicly owned and whether on private or Council-owned land. Where a building is considered less than 34% of the New Building Standard (NBS) it is flagged on a Register of Earthquake Prone Buildings by Council's Regulatory Section who then issue an Earthquake Prone Building Notice (EPBN) which requires strengthening or demolition within the time frames identified.

The Hutt is considered a high seismic risk which means once served an EPBN, the owner has 15 years to complete strengthening or demolition, half that if the building concerned is classed as a priority building. Government has indicated it is reviewing the Building (Earthquake-prone Buildings) Amendment Act but until the review is complete and the Act amended, the existing rules apply.

**Asbestos Testing** – Yes, The Health and Safety at Work (Asbestos Regulations) 2016 puts a Duty on all Persons Conducting Business or Undertakings (PCBU's) to ensure asbestos is identified at the workplace (paragraph 10); analyse samples (paragraph 11); ensure presence and location of asbestos is indicated (paragraph 12); prepare asbestos management plans (paragraph 13). Whether Council owns a building or provides a land only lease, any and all buildings on Council land meet the definition of places of work which means Council is a PCBU for the purpose of the Act and will require its own buildings, and those of the tenants it has, to meet the requirements of the regulations.

4. In the email dated 14 Andrea Blackshaw stated *Due to past under-investment, many of our assets will require significant work over the next 10 years* . What maintenance do you anticipate would be needed to be done for both buildings and what costs have the council incurred in the last ten years re maintenance of both buildings. Plus what was budgeted in that time for the maintenance?

We do not hold this information. However, basic asset management principles would mean that a building owner should develop a renewals plan to replace/renew items as they fall due (eg roofing, windows, boilers, HVAC etc). Normally a building owner would identify a minimum of 20 years renewals for such a purpose. In addition, there is maintenance of specific systems, fire access and egress, repair and maintenance. Given Council is considering demolition of these buildings it has not allowed any budget for ongoing works as advised.

5. What is the cost to the Council and the Rate payers of Lower Hutt to demolish the two buildings

We do not hold this information as there has not been a procurement process as yet.

6. If both buildings are fully demolished what is the councils plans to provide alternative change rooms and toilets. Noting one facility being the Noddy House would be insufficient for what is Wellington Regions largest park?

Council is currently considering options for this.

7. What is the councils plan to provide
  - a. Replacement cover storage facilities for taita cricket
  - b. Replacement gym that is used by multiple codes.

Council's role in supporting sport and recreation is through the provision of sportsfields and courts for basic participation. Council is not responsible for providing storage or gymnasiums.

8. How does the council plan to communicate to the rate payers of lower hutt that they are spending x dollars to demolish two quality facilities that are well used by the community and build a new changing room at a cost of \$ dollars. When at the same time you are putting up rates and need cash to fix the multitude of water leaks?

Council consulted with the community on how it proposes managing current financial challenges and competing priorities in the draft Long Term Plan. This included a proposed future approach to managing community assets and an invitation for the community to attend a meeting to discuss this.

9. What is the council's commitment to the Taita Pomare Avalon Community re reducing facilities for community groups to use?

Council consulted with the community on how it proposes managing current financial challenges and competing priorities in the draft Long Term Plan. This included a proposed future approach to managing community assets and an invitation for the community to attend a meeting to discuss this. Council provides a number of facilities in this community and a number of leases to community groups who manage assets in this area.

10. Had Fraser Park Sportsville not been built would the council still plan to demolish the cricket club, knowing that the cricket and hockey clubs built it and it was still being used. If the answer is no then my only conclusion can be that you are only wanting to demolish it because it was in the initial plan in 2012 and all reasons relating to asbestos seismic testing and cost to the rate payers is erroneous.

The decision to demolish this building relates to the agreement signed by the Taita Cricket Club on 19 April 2013 to transfer their assets and surrender their existing lease as part of the Fraser Park Sportsville Project. The Asset was officially transferred in 2019. Two of the buildings in the work programme have already been demolished. In August 2023 Council was advised that this work programme would be completed in 2024/25. The tenants of the buildings were contacted in April 2024 to give them notice of this work.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website. Please refer to the following link:

[www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases](http://www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases)

Yours sincerely

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